

NVB 7026 (Rev. 6/16)  
TERESA RENITA BURWELL  
9344 VISTA WATERS LANE  
LAS VEGAS, NV 89178  
(702)573-1894

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

23-1129 MKN

\*\*\*\*\*

BK: 23-12054-MKN

Chapter: 13 ☐

Adv. No.:

STANDARD DISCOVERY PLAN  
OR  
REQUEST FOR WAIVER OF  
FILING DISCOVERY PLAN

In re TERESA RENITA BURWELL

9344 Vista Waters Lane  
Las Vegas NV 89178

Debtor(s).

~~Signature Real Estate Group~~  
~~9515 Hill View Drive, Suite 100~~  
~~Las Vegas, NV 89124~~  
Teresa Renita Burwell

Plaintiff(s),

vs.

~~Signature Real Estate Group and Southern~~  
~~Nevada Equine Services, LLC~~  
~~Attn: Amber Davis~~  
Defendant(s)

1. Discovery Plan

☒ Request for waiver of requirement to prepare and file a formal discovery plan.

The parties certify that all discovery can be completed informally, without the need of court intervention and in conformance of the Standard Discovery Plan, and that the matter will be ready for trial within 120 days, or

A discovery plan is needed or useful in this case. Check one:

The parties agree to the standard discovery plan. The first defendant answered or otherwise appeared on \_\_\_\_\_. Discovery shall be completed within \_\_\_\_\_ days, measured from the date the first defendant answered or otherwise appeared. Discovery will close by \_\_\_\_\_.

1           \_\_\_\_\_ The parties jointly propose to the court the attached discovery plan and  
2 scheduling order. (Use Official Form 35 to the Federal Rules of Civil Procedure.)

3           \_\_\_\_\_ The parties cannot agree on a discovery plan and scheduling order. The  
4 attached sets forth the parties' disagreements and reasons for each party's position. (Use Official  
5 Form 35 of the Federal Rules of Civil Procedure.)

6 **Complete parts 2 - 6.**

7 **2. Nature of the Case.** Brief description of the nature of the case, i.e., dischargeability,  
8 denial of discharge, turnover, contract, etc. Adversary Complaint for violation of automatic stay pursuant  
9 to BK Code 11USC 362 for the unlawful eviction and removal of debtor from property

10 **3. Jury Trials:** Check one:

11 ☒ A demand for a jury trial has not been made

12 \_\_\_\_\_ A demand for a jury trial has been made pursuant to Fed. R. Civ. P. 38(b), and in  
13 conformity with LR 9015, but one or more of the parties does not consent to a jury trial pursuant  
14 to 28 U.S.C. § 157(e).

15 \_\_\_\_\_ It is expressly understood by the undersigned parties they have demanded a jury  
16 trial pursuant to Fed. R. Civ. P. 38(b), and in conformity with LR 9015, and have consented to a  
17 jury trial pursuant to 28 U.S.C. § 157(e).

18 An original and two (2) copies of all instructions requested by either party shall be  
19 submitted to the clerk for filing on or before \_\_\_\_\_.

20 An original and two (2) copies of all suggested questions of the parties to be asked of the  
21 jury panel by the court on voir dire shall be submitted to the clerk for filing on or before  
22 \_\_\_\_\_.

23 **4. Additional Pleadings.** Are there any counterclaims, cross claims or amendments to the  
24 pleadings expected to be filed?

25 ☒ Yes

26 \_\_\_\_\_ No

5. **Settlement Conference**

☒ A settlement conference is requested.

If checked, a settlement conference is requested no earlier than November 1, 2023.

☐ Settlement cannot be evaluated prior to additional discovery. The parties may later request a settlement conference.

6. **Trial**

The case should be ready for trial by December 1, 2023 and should take 5 day(s).

7. All parties ☒ consent/ ☐ do not consent to this court entering final judgment.

Dated: 09/20/23

Dated: \_\_\_\_\_

Alexis Lant Burrell - In Person  
Signature of Counsel for Plaintiff(s)

\_\_\_\_\_  
Signature of Counsel for Defendant(s)

Type Name, Address and  
Telephone Number of Counsel

Type Name, Address and Telephone  
Number of Counsel

## **ADVERSARY COMPLAINT PACKET**

### **Instructions:**

This packet is to be used by Debtors in the Bankruptcy process who are representing themselves without the assistance of legal counsel. This packet will be helpful to the Debtor when defending against a creditor's/trustee's objection to your discharge or the filing of a Complaint for Nondischargeability based upon fraud/conversion; however, this packet may also assist the Debtor in bringing an adversary proceeding should one be necessary.

**Please read and make sure you understand the contents of this packet. The Court will assume you have read and understand your duties and responsibilities in representing yourself which are set forth herein and will enforce the Bankruptcy rules and code provisions in your case.**

**NOTE:** You are strongly encouraged to seek legal counsel to assist you. However, should you determine to represent yourself, use this packet to assist you in your defense. Please be aware that you should seek assistance from opposing counsel regarding procedural questions only. Procedural questions are inquiries not involving the law but rules governing the court process. **It is not the intent of this packet or its preparers to provide legal advice. Rather, you should seek competent legal counsel or perform your own legal research and analysis.**

## **WHAT TO DO AFTER YOU HAVE BEEN SUED IN AN ADVERSARY PROCEEDING**

### **Introduction**

An adversary proceeding is a lawsuit brought within your bankruptcy. This lawsuit normally centers around whether a particular debt or all of your debts are dischargeable (or forgiven) through the act of your filing bankruptcy. These lawsuits usually focus around some alleged improper act on your part, including fraud, misrepresentation, or your failure to abide by the Bankruptcy Code and accompanying Rules.

You are now at the point of the adversary process where you have received, by mail or by personal service, the complaint filed by your creditor which asks the Court to decide whether or not that particular obligation should be part of your bankruptcy discharge or an objection to your overall discharge should be granted.

This section of the adversary proceeding packet is to inform you of what your obligations are in order to prepare for a trial. Note that there are references to the bankruptcy rules: Local Rules of Bankruptcy Practice = LR; Federal Rules of Bankruptcy Procedure = Fed.R.Bankr.P. You

may access the Local Rules at the court's website [www.nvb.uscourts.gov](http://www.nvb.uscourts.gov). You should take a look at these rules if you have any questions about the information given in this section.

### **Step 1: Answer**

After you receive a complaint, you must file an answer with the clerk of the Bankruptcy Court within 30 days after issuance of the summons. (Fed.R.Bankr.P. 7012). You must provide a copy of that answer to the creditor's attorney.

### **Step 2: Pre-Trial Conference**

Note that the cover sheet you receive from the Court will set forth a pre-trial conference date in the lower right-hand corner of the Summons. You must attend that hearing. At that time, the Court will set parameters for trial. The Court may also discuss with the parties whether or not any settlement is possible. Prior to this pre-trial conference with the Court, and within thirty (30) days after you have answered the complaint, you are required to meet with the attorney for the creditor to discuss how discovery will be conducted in the case. After you have had this discussion and no later than fourteen (14) days after the meeting with the attorney, the parties are required to submit a discovery plan. (Fed.R.Bankr.P. 7016 and LR 7026). This plan is a form which the creditor's counsel will have and will be filled out by both parties. The form will then be submitted to the Court and the Court will then approve, disapprove or modify the discovery plan and enter any other orders that may be appropriate.

### **Step 3: Discovery**

After you have gone through the preparation of the discovery plan and have had it approved by the Court, you will then conduct your discovery. Local Rule 7026 will provide you with information as to what the parties may or may not do during the discovery process. You may also want to look at Local Rules 7026 through and including 7036 and Fed.R.Bankr.P. 7026 through and including 7036 which gives further information regarding some of the discovery tools or requirements.

### **Step 4: Motions**

You may find that throughout the time frame prior to trial that motions are being filed. Motions may be filed by either party. If you are served with a motion in your adversary proceeding, please be advised that you are required to file your opposition or response with the Court and serve your response to the creditor's attorney no later than fourteen (14) days preceding the hearing date for the motion. (Fed.R.Bankr.P. 9013 and Local Rule 9014). Make sure that you provide counsel with a copy of your response.

When you get to Court, you are basically going to supplement what is in your opposition or your motion so the Court can make a well-informed analysis of the situation and then deliver an appropriate decision. Please note that when you are in front of the Court, your time is limited. Generally, a motion is limited to approximately five minutes for both sides. It is the feeling of

all four judges in our district that if all motions and oppositions are well-drafted and timely filed, there is no reason to spend lengthy periods with oral argument. Therefore, you will be expected to come in to court, make a brief presentation and then sit down.

### **Step 5: Trial**

After you have completed all discovery and all motions, you will then be at the point where the parties are ready to proceed with trial. Your trial date will be assigned to you at the pre-trial conference and the Court will generally schedule the trial within 60 and 120 days depending upon the nature of the matter being tried.

Approximately two weeks prior to the trial, you are required to file with the Court a trial statement, a list of witnesses, and a list of exhibits. You must also exchange these documents with the attorney for the creditor. If you and the attorney for the creditor can agree on what the basic issues in trial are going to be, the trial statement may be filed jointly. In other words, one statement will represent the facts and information for both sides to the Court.

The day before the trial, the parties will mark all the exhibits and any supplemental information that needs to be added to the trial statements. Although you are not required to agree with the attorney for the creditor as to what exhibits may be introduced into evidence, it is strongly encouraged that the parties try to agree to all exhibits to be placed before the Court in an effort to have an economical and efficient adjudication of the case.

Certain documents have been included in this packet so that you will have the ability to understand what needs to be filed with the Court prior to trial. However, it is strongly recommended that you access the court's website at [www.nvb.uscourts.gov](http://www.nvb.uscourts.gov) to access the Local Rules. These will prove very useful to you through the course of the adversary proceeding. You may also wish to check with the county law library for a copy of the Local Rules.

All four bankruptcy judges are willing to set up a time to discuss whether or not the case may be settled. Many times, having an impartial third party listening to the problems will allow negotiations to flow freely and hopefully obviate the need for the trial. If a settlement conference is set up, it will not be the judge in front of whom this matter will be heard, so you need not fear that you will be prejudiced in any way if this matter is not settled.

### **COURTROOM ETIQUETTE BETWEEN THE COURT AND THE PARTIES**

1. Don't take the argument personally (no personal slurs against the other party.)
2. Advocacy does not mean we cannot be civil and communicate with the other side.
3. Adversary proceedings are intended to be negotiated if possible.
4. If you cannot resolve the matter and proceed to trial, remember the following:

- a. Dress Appropriately- Nice attire such as a suit or slacks is acceptable. Please no hats, shorts, thongs, tank tops, etc.
- b. Your statements should be addressed to the court and not to the other side. The only time you should speak to opposing counsel is during breaks or with the Court's permission after requesting a break.
- c. Do not interrupt the other side or the judge when they are speaking.
- d. Remember to follow the rules as explained in the attached documents regarding the filing of your trial statement, list of exhibits, witnesses, etc.

### **DEALING WITH THE LAW**

1. Understand your responsibilities and respond accordingly. You are held to the same standard as an attorney when presenting your case and arguing the legal issues. You may need to educate yourself on the law at issue by visiting the law library and reading the Bankruptcy Code and cases dealing with those sections of the code involving your case.
2. **Sanctions** - Remember that if you act disrespectful to the Court or opposing attorney, or if you lie in your court pleadings or under oath at trial, the Court has the power to sanction you by either assessing a fee or ruling for the opposing party.
3. If you have any questions regarding your responsibilities, call the other side's attorney- they will answer procedural questions, but cannot assist you with your legal argument.
4. Know the Local Rules - you can obtain a copy by accessing the court's website at [www.nyb.uscourts.gov](http://www.nyb.uscourts.gov).



**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA  
ADVERSARY PROCEEDING PROCEDURES**

The court will electronically issue a summons for electronic filers or “e-filers.” The clerk will continue to issue a paper summons for those attorneys or parties who are not e-filers. The required “Standard Discovery Plan or Request for Waiver of Filing Discovery Plan” document is available on the court’s website. The summons will contain the date and time of the initial Scheduling Conference.

Unrepresented parties should visit the court’s website at [www.nvb.uscourts.gov](http://www.nvb.uscourts.gov), and read the information under the “Don’t Have An Attorney?” section.

The Plaintiff must serve, with the Summons and Adversary Complaint, the Standard Discovery Plan or Request for Waiver of Filing Discovery, and a copy of this Adversary Proceeding Procedures sheet.

- A. ***Meet and Confer Immediately After Answering.*** Within thirty (30) days after the first defendant has answered or otherwise appeared, the parties must meet and confer as required by Fed. R. Bankr. P. 7026 and Local Rule 7026. No later than 14 days after the initial meeting, the parties must complete and submit a discovery plan or, if applicable, file a request for a waiver.
- B. ***Attendance at Scheduling Conference.*** Unless otherwise excused by order of the court, all attorneys and all unrepresented parties *must* attend all scheduling and status conferences, including the first scheduling conference. After the first scheduling conference, the court will approve, disapprove, or modify the discovery plan and enter other orders as appropriate. At any time, on request of a party or on its own, the court may order and schedule a conference of all of the parties to discuss the provisions of the discovery plan or scheduling order.
- C. ***Motions.*** All motions to amend the pleadings pursuant to Fed. R. Bankr. P. 7015 and/or to join parties pursuant to Fed. R. Bankr. P. 7019 must be filed in time to be heard no later than the close of discovery. If an amendment or joinder is allowed, and unless the court orders otherwise, discovery will be extended for an additional 45 days from the original date for the close of discovery. This type of an extension is for the limited purpose of conducting discovery only with respect to the amendment or joinder.

Unless the parties otherwise agree, and the court approves the parties’ agreement, all potentially dispositive motions with respect to any or all issues, must be filed no later than the close of discovery. It is counsel’s responsibility to ensure that, regardless of the date filed, any dispositive motion is heard before the scheduled trial date.

Motions in limine must be filed according to the timelines set forth in the court’s scheduling order. No reply will be permitted unless requested by the court.

- D. ***Discovery.*** Unless the parties otherwise agree, and the court approves that agreement, all discovery must be completed no later than 120 days after the answer is filed or after the first appearance by the first defendant. All discovery must be conducted in accordance with the Federal Rules of Bankruptcy Procedure and applicable Local Rules of Bankruptcy Practice.
- E. ***Pre-Trial Conference.*** The court normally will enter an order regarding pre-trial and trial for the case. This type of order usually provides for, among other things, a pre-trial conference, as well as the content and timing for any trial statements. All attorneys and all unrepresented parties must attend any pre-trial conference.
- F. ***Trial Preparation.*** Unless otherwise ordered by the court, no later than the day before trial, the parties will mark the exhibits and supplement any trial statements. Sanctions may be imposed if, without good cause, a party fails to stipulate to an exhibit.



- G. ***Settlement Conferences.*** The court is willing, at the parties' request, to participate in one or more settlement conferences. Unless otherwise ordered by the court, all parties and all attorneys must be present at any settlement conference.

Updated 2/20